Court No.2

Writ Petition No. 965(S/B) of 2001

Smt. Kamlesh Bisht ……..……. Petitioner

Versus

State of Uttaranchal and others ……..……. Respondents

…….

Hon. P.C.Verma, J.
Hon. Irshad Hussain, J.

Heard Sri C. D. Bahuguna, learned counsel for the petitioner and the learned counsel for the respondents.

This writ petition has been filed by the petitioner challenging the transfer order dated 10.06.2002 by which her earlier attachment order has been cancelled. The petitioner was earlier attached to Primary School, Sat-Shiling on the ground that her husband is posted at Pithoragarh.

It is settled principle of law that the transfer is exigency of service and the petitioner is a Government servant. Therefore, the transfer order can not be interfered which is passed in public interest.

Learned counsel for the petitioner relied upon a Government circular whereby husband and wife should be posted together or nearby place as far as possible. By the said Government Order only a facility has been provided, which is evident from the word 'as far as possible'. No right can be claimed as such to get posted together in view of the said Government Order.

Since the impugned order has been passed in public interest and no malafide has been alleged against the authority who has passed the transfer order and the petitioner has been transferred after four years from Sat-Siling, therefore, in our opinion the order impugned does not call for any interference.

The petition is dismissed accordingly.

(P.C. Verma, J.) **(Irshad Hussain, J.)**

Dt. 6.8.2002
A